

Express Mail Label No. EK435394825US

Attorney Docket No. T5986.PCT.US

Applicant or Patentee: Natalya RAPOPORT and William G. PITT

Attorney: Alan J. Howarth

Filed or Issued: \_\_\_\_\_

For: ACOUSTICALLY ACTIVATED LOCALIZED DRUG DELIVERY

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 CFR 1.9 (f) and 1.27 (d))  
NONPROFIT ORGANIZATION

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION: University of Utah Research Foundation

ADDRESS OF ORGANIZATION: 210 Park Building  
Salt Lake City, Utah 84112

TYPE OF ORGANIZATION:

- ( x ) University or other institution of higher education  
( ) Tax exempt under Internal Revenue Service Code (26 USC 501(a) and 501(c) (3))  
( ) Nonprofit scientific or educational under statute of state of The United States of America  
(Name of state \_\_\_\_\_)  
(Citation of statute \_\_\_\_\_)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code with regard to the invention entitled ACOUSTICALLY ACTIVATED LOCALIZED DRUG DELIVERY by inventors Natalya RAPOPORT and William G. PITT described in

- ( x ) the specification filed herewith.  
( ) application serial no. \_\_\_\_\_, filed \_\_\_\_\_.  
( ) patent no. \_\_\_\_\_, issued \_\_\_\_\_.

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

FULL NAME Brigham Young University

ADDRESS A-268 ASB, Brigham Young University, Provo, Utah 84602

( ) Individual ( ) Small Business Concern (X) Nonprofit Organization

FULL NAME  
ADDRESS

( ) Individual ( ) Small Business Concern ( ) Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING:  
TITLE IN ORGANIZATION:

Richard K. Koehn

ADDRESS OF PERSON SIGNING:

University of Utah Research Foundation  
210 Park Building  
Salt Lake City, Utah 84112

  
Signature

3.22.00  
Date

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Applicant or Patentee: Natalya RAPOPORT and William G. PITT  
Attorney: Alan J. Howarth

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NAME OF ORGANIZATION:

University of Utah

ADDRESS OF ORGANIZATION:

615 Arapeen Drive, Suite 110  
Salt Lake City, Utah 84108

TYPE OF ORGANIZATION:

- ( x ) University or other institution of higher education  
( ) Tax exempt under Internal Revenue Service Code (26 USC 501(a) and 501(c) (3))  
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FULL NAME Brigham Young University  
ADDRESS A-268 ASB, Brigham Young University, Provo, Utah 84602  
( ) Individual ( ) Small Business Concern (X) Nonprofit Organization

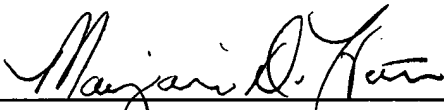
FULL NAME  
ADDRESS

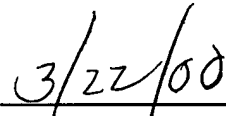
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NAME OF PERSON SIGNING: Marjorie D. Hunter  
TITLE IN ORGANIZATION: Senior Licensing Manager  
Technology Transfer Office  
ADDRESS OF PERSON SIGNING: 615 Arapeen Drive, Suite 110  
Salt Lake City, Utah 84108

  
Signature

  
Date

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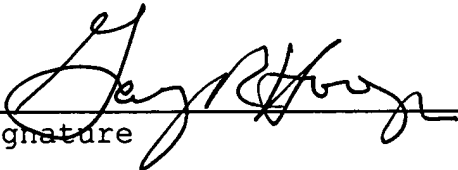
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NAME OF PERSON SIGNING: Gary R. Hooper  
TITLE IN ORGANIZATION: Associate Academic Vice President  
Technology Transfer Office  
ADDRESS OF PERSON SIGNING: A-268 ASB, Brigham Young University  
Provo, Utah 84602

  
\_\_\_\_\_  
Signature

16 March 2000  
Date

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**DECLARATION, POWER OF ATTORNEY AND PETITION**

1-00  
2-00

We, NATALYA RAPOPORT and WILLIAM G. PITT, declare: that we are citizens of the United States of America; that our residences and post office addresses are 8444 South 1275 East, Sandy, Utah 84094; and 85 West 1565 North, Orem, Utah 84057, respectively; that we verily believe we are the original, first, and joint inventors of the subject matter of the invention or discovery entitled ACOUSTICALLY ACTIVATED LOCALIZED DRUG DELIVERY, for which a patent is sought and which is described and claimed in the specification attached hereto; that we have reviewed and understand the contents of the above-identified specification, including the claims; and that we acknowledge the duty to disclose information which is material to the examination of this application in accordance with Section 1.56(a) of Title 37 of the Code of Federal Regulations.

We hereby claim the benefit under 3 U.S.C. §365(c) of PCT Application Serial No. PCT/US98/20046 filed on September 23, 1998, which claimed priority to U.S. Provisional Application, Serial No. 60/059,774, filed September 23, 1997. Insofar as the subject matter of the claims of this application is not disclosed in the prior PCT International application in the manner provided by the first paragraph of 35 U.S.C. §112, we acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. §1.56 that becomes available between the filing date

of the prior application an the PCT international filing date of this application.

We declare further that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

We hereby appoint as our attorneys, GRANT R. CLAYTON, Registration No. 32,462; ALAN J. HOWARTH, Registration No. 36,553; KARL R. CANNON, Registration No. 36,468; and BRETTON L. CROCKETT, Registration No. 44,632, all with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Please address all correspondence to:

Customer No. 22477

All telephonic communications should be directed to:

ALAN J. HOWARTH  
Telephone: (801) 255-5335  
Facsimile: (801) 256-2043

Please reference the below provided attorney docket number in all communications:

T5986.PCT.US

Wherefore, we pray that Letters Patent be granted to us for the invention or discovery described and claimed in the foregoing specification and claims, declaration, power of attorney, and this petition.

Signed at Salt Lake City, UT, this  
(City) (State)  
21<sup>st</sup> day of March, 2000.

N. Rapoport  
NATALYA RAPPOPORT

Signed at Salt Lake City, Utah, this  
(City) (State)  
21 day of March, 2000.

William G. Pitt  
WILLIAM G. PITT

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